

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Aaron Cole	Team: Squad #01	CCRB Case #: 201605206	<input type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/09/2016 9:45 PM	Location of Incident: Edson Avenue and Bartow Avenue	18 Mo. SOL 12/9/2017	Precinct: 47
Date/Time CV Reported Fri, 06/10/2016 12:09 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/16/2016 11:04 AM

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Joseph Spalding	05171	927545	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Benito Cruz	00177	938295	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A . SGT Joseph Spalding	Discourtesy: Sergeant Joseph Spalding spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

§ 87(2)(b) filed this complaint with IAB via telephone on June 10, 2016. The complaint was forwarded by IAB to the CCRB via log number 16-21139, where it was received on June 16, 2016. On June 9, 2016 at approximately 9:45 PM, at the intersection of Edson Avenue and Bartow Avenue in the Bronx, § 87(2)(b)'s girlfriend—§ 87(2)(b)—was involved in a car accident. § 87(2)(b) called and informed § 87(2)(b) of the accident, and he arrived at the location of the incident shortly thereafter. When § 87(2)(b) arrived, four police officers from the 47th Precinct were present—Sgt. Joseph Spalding and PO Benito Cruz, and two unidentified officers. Sgt. Spalding determined that the car needed to be towed, and expressed this to PO Cruz, as well as his impatience with § 87(2)(b) and § 87(2)(b)'s objections to the car being towed. Sgt. Spalding responded to § 87(2)(b) with either, “We don't have time for this shit”, or, “Fuck this shit, tow the car.”

(Allegation A).

During his initial intake call, § 87(2)(b) identified himself as § 87(2)(b) and provided a phone number. § 87(2)(b) was then contacted by Inv. Cole on June 16, 2016, on the same phone number originally provided in the intake call. However, § 87(2)(b) stated that his name was actually § 87(2)(b). § 87(2)(b) provided a detailed narrative of the incident, a home address, and the phone number of § 87(2)(b) but no e-mail address. § 87(2)(b) declined mediation and scheduled an in-person interview at the CCRB for June 23, 2016. § 87(2)(b) failed to appear for his scheduled interview on June 23, 2016, and did not give prior notice of cancellation.

On June 23, 2016, a call was placed to § 87(2)(b)'s phone number, and a man that identified himself as § 87(2)(b)'s brother answered the call. This man would not provide his name, and stated that § 87(2)(b) was currently unavailable. § 87(2)(b) but that § 87(2)(b) would be available in fifteen minutes. A call was placed fifteen minutes later, and no-one answered the phone. A voicemail was left and § 87(2)(b) did not return the call.

A missed appointment letter was sent to § 87(2)(b) on June 23, 2016, and two additional letters were sent on July 6, 2016, and July 14, 2016.

On June 17, 2016, § 87(2)(b) provided a phone statement regarding the incident, rejected mediation and scheduled an in-person interview for June 23, 2016. § 87(2)(b) failed to appear for her in-person interview on June 23, 2016, and did not give prior notice of cancellation. On July 6, 2016, § 87(2)(b) was successfully contacted, and informed Inv. Cole that she was unavailable to talk at that time, but would call back soon. § 87(2)(b) did not call back as promised. On July 8, 2016, § 87(2)(b) was successfully contacted, and stated that she would call back on July 11, 2016, once she had a clearer idea of her upcoming availability, in order to re-schedule an in-person interview. § 87(2)(b) did not call back on July 11, 2016, as promised.

A missed appointment letter was sent to § 87(2)(b) at the address that she confirmed on June 23, 2016, and was returned on July 14, 2016, labeled as not deliverable as addressed. Two additional letters were sent to § 87(2)(b) on July 6, 2016, and July 14, 2016.

An inmate look-up search was conducted on July 22, 2016 to confirm that neither § 87(2)(b) nor § 87(2)(b) were incarcerated. To date, § 87(2)(b) and § 87(2)(b) have each

missed one appointment, and they have not contacted the CCRB to reschedule. § 87(2)(g)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date